IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 751 OF 2007

Sumedh Kakade and others ... Petitioners

Versus

Shikshan Shulka Samiti and others ....Respondents

Mr. L.M. Acharya for the petitioners.
Mr. Komal Khata, instructed by Mr. B.V. Mahadik, for respondent No.2

CORAM: **SWATANTER KUMAR, C.J.** &
S.C. DHARMADHIKARI, J.

DATE: **APRIL 16, 2007**.

P.C.

We have heard the learned counsel for the parties. It is commonly conceded before us that this petition can be disposed of on the following terms:-

(i) It is not in dispute that the judgment of the Division Bench of this Court in the case of *Prajyot Jagtap and others* vs. *State of Maharashtra (*Civil Writ Petition No. 537 of 2005) and connected matters decided on 21st April, 2005, squarely applies to the facts and law of the present case. Consequently, the present writ petition may be disposed of in terms thereof.

(ii) The Committee constituted by the State Government, in furtherance to the directions of the Court, may be directed to consider as to which of the students are covered by *T.M.A. Pai Foundation* case and which one are covered by *Unnikrishnan's* case. After determination of this fact as to which of the judgment applies to which class of students, the quantum of fees payable by them also be determined.

(iii) The Committee should act expeditiously so that none of the students of the Colleges are put to any inconvenience.

(iv) On payment of the dues, the original certificates/mark-sheets of the students who have passed out shall also be returned to the students. Wherever, fees have already been cleared, they shall be released forthwith.

2. The above terms are otherwise just, fair and equitable and while disposing of this writ petition in terms of the above agreed terms, we direct the Committee to dispose of this matter within a period of two weeks from the date of communication of this order.

3. The writ petition is disposed of in the above terms, while leaving the parties to bear their own costs.

CHIEF JUSTICE

S.C. DHARMADHIKARI, J.